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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MIGUEL ANTONIO GOMEZ-MARIN;
GUADALUPE VENAVIDEO-RAMOS,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-72679

Agency Nos. A79-776-784
A79-776-977

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Miguel Antonio Gomez-Marin and his wife Guadalupe Venavideo-Ramos,
natives and citizens of Mexico, petition for review of the Board of Immigration

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

Appeals' decision affirming an immigration judge's order denying their application for cancellation of removal because they failed to show exceptional and extremely unusual hardship. We dismiss the petition for review.

We lack jurisdiction to review the discretionary determination that the petitioners failed to establish exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 929-30 (9th Cir. 2005).

To the extent that the petitioners raise an equal protection challenge to their hardship determination, we also lack jurisdiction because the petitioners' claim is not colorable. *See Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001) (indicating that an applicant may not create the jurisdiction that Congress chose to remove simply by cloaking an abuse of discretion argument in constitutional garb).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741, 750 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED